

FINAL MARCH 11, 2014

Department of Criminal Justice Services
Private Security Services Advisory Board
RMC Events
3700 West End Drive
Henrico, Virginia 23294
(804) 353-7621

December 3, 2013

Members Present

Daniel Schmitt
Robert Clark
Charles Ciccotti
Gary Ford
John Hall, III
Kevin Hodges
David Killip
Stokes McCune
Seth Oginz
Thomas Turner
Mary Kay Wakefield
James Washburn, Jr.

Members Absent

Frank Phillips
Craig Branch
Amy Lockhart

Staff Present

Lisa McGee - Regulations, Policy and Budget Manager
Brenda Cardoza - Recorder
Robert Tortolani - Adjudication Coordinator

MINUTES

Call to Order

At approximately 10:08 a.m., Vice Chairman Daniel Schmitt called the quarterly meeting of the Private Security Services Advisory Board (PSSAB) to order. The meeting having been duly convened the Board was ready to proceed with business.

Roll Call

Vice Chairman Schmitt asked Brenda Cardoza to call roll. Ms. Cardoza proceeded with roll call and advised there was a quorum of members present.

Approval of the Agenda

Vice Chairman Daniel Schmitt called for a motion to be made to approve the meeting agenda. Whereas a motion to approve the agenda was made by Charles Ciccotti and seconded by Stokes McCune, it was unanimously approved by vote.

Approval of the Minutes

Vice Chairman Daniel Schmitt called for a motion to be made to approve the minutes from the September 18, 2013 quarterly Board meeting. Whereas a motion to approve the minutes was made by Kevin Hodges and seconded by Seth Oginz, it was unanimously approved by vote.

Recognition

Vice Chairman Schmitt thanked and recognized Thomas H. Turner with a plaque of appreciation for his outstanding and dedicated service to the Private Security Services Advisory Board as the Special Conservator of the Peace (SCOP) Representative. Mr. Turner announced his retirement and resignation from the Board would be effective on January 15, 2014.

Guest Speaker Henrico County Commonwealth Attorney Shannon Taylor

Due to unforeseen circumstances Commonwealth Attorney Shannon Taylor was not available to address the Board.

DCJS Report

The DCJS report was offered by Lisa McGee, Regulations, Policy and Budget Manager. Ms. McGee, on behalf of the Department, thanked Thomas H. Turner for his paramount service to the Board, the Department and the SCOP industry.

General Assembly

The Department is gearing up for the 2014 General Assembly session. Ms. McGee advised that the Department will continue to seek constituent input by contacting the members of the PSSAB should there be any legislation introduced that directly affects the regulated industries represented by the Board.

Registration ID Card

Ms. McGee addressed the Board's concerns over the current design of the private security services registration card. The Board was advised that the current card is a temporary measure as the Department is in the process of replacing their database system and the final version of the registration card has not been completed. The Department still has modifications to make that should address more of the concerns from the industry and appreciates the observations and patience of the industry while working on the final credential template.

Members of the Board voiced additional concerns over the removal of the photo from the credential. It was explained one of the key reasons for the removal of the photo was based on the inability of the Department to verify that the photos being submitted by the Training Schools were legitimate and as such, the Department is unable to support producing a state issued photo identification card without validation of the identity of the individual. The Department also explained that the current statute does not require the Department to issue a photo id card but is

charged with issuing a registration that verifies that the individual is appropriately registered in the specific registration categories.

After much discussion, the PSSAB members voted to submit a letter both to the Department and the Criminal Justice Services Board in which they will present the industry's concerns and possible solutions for consideration that may result in the reinstitution of a more professional credential to include a photo of the registered individual. The Board hopes to present this to the Criminal Justice Services Board at the next meeting in March 2014.

Regulations Relating to Private Security Services

The Department is taking steps to restructure the current Regulations Relating to Private Security Services. During the last regulatory amendment the Department was advised during the executive review process that the regulations could be designed to achieve their intended objective in a more efficient manner and it was recommended that the Department separate the regulations into smaller chapters. The Department will take steps to modify the regulations by separating them into the three regulatory chapters listed below. This should allow for regulations that are easily understood as well as streamline future revisions specific to the individuals or entities affected.

- Business Regulations – related to Business Licenses and Compliance Agents.
- Training School Regulations – related to Training Schools, Instructors, Examiners and training related matters.
- Registration Regulations - related to the individual registration categories.

The Department plans on requesting that the initial process of separating the regulations be handled through a fast-track rulemaking process pursuant to the Administrative Process Act and this could be accomplished as long as there are no additional changes to the actual regulatory language.

Upcoming Administration

In response to questions from the Board regarding the recent election of Governor Terry McAuliffe, Ms. McGee advised that during the ten week gubernatorial transition, Governor-elect McAuliffe and his transition team will organize his administration and compare candidates for the 12 cabinet positions and finalize key proposals that will make up his policy agenda. The transition team will also work on the final appointments for deputies, department heads and agency heads. As of now, the Department is aware of the following key administrative positions: Paul Reagan: Chief of Staff; Suzette Denslow: Deputy Chief of Staff; Ric Brown: Secretary of Finance; and Levar Stoney: Secretary of the Commonwealth.

New Records Management System

The Board was provided with information in regard to the new records management system project. Members from all aspects of the private security services industry have been invited to participate in an end user group to assist the Department in this process. An initial meeting was held in August to discuss the system business requirements specific to the industry members. The next meeting will be held electronically on December 12, 2013 to discuss the vendor

proposals. The Department has advised that this group will be included in additional phases as this project moves forward to include possible vendor demonstrations and final testing processes.

Board Member Reports

Stokes McCune, Bail Bondsmen and Bail Enforcement Representative

Mr. McCune reported that in regards to Property Bail Bondsmen meeting the property collateral requirements, the Department extended the expiration dates to provide additional time for making the applicable adjustments to the collateral submittal requirements for bail bonding purposes. The Bail Bondsmen received notification from the Department initially advising them of revised and updated collateral requirements for property submitted for the purposes of bail bonding in accordance with the Code of Virginia, the Regulations Relating to Bail Bondsmen, and 1993 Op. VA Att’y Gen. 126. The Department subsequently rescinded this notification. Going forward Mr. McCune would like the Department to have more dialogue with the PSSAB and/or input from the Board members in regard to regulatory processes/notices affecting the Bail Bonding industry.

James Washburn, Locksmith Representative

Mr. Washburn reported that there is an internet web page rating locksmith services as poor with the exception of one (1) locksmith business and also provided the Department with an advertisement by a licensed locksmith company that was not in compliance with the requirement of listing their business license number.

Committee Reports

SCOP Legislative Action Committee - Thomas Turner, Special Conservator of the Peace Representative

The Board was presented with a copy of the Department’s legislative proposal to amend Code sections relating to Special Conservators of the Peace. As part of this process, Director Wheeler established a task force in which members of the industry, as well as members of the PSSAB participated. In addition, the PSSAB established a committee of its own, chaired by Thomas Turner. The committee met on December 2, 2013 and presented its report to the full Board to include an alternate legislative proposal for the PSSAB and the Department to consider. The committee reported that they discussed both proposals and the following concerns:

- Concerns related to SCOP training hours.
- The use of the State Seal and the word Police.
- Law Enforcement Officers that hold SCOP appointments being exempt from being registered with the Department.
- Dividing SCOP program into two (2) different categories.
- The role of the SCOP as we move forward.

The Board is currently reviewing both proposals and if necessary will call an additional meeting for further discussion prior to the General Assembly should the bill get introduced. John Hall was appointed by Vice-Chairman Schmitt as the Chair of the SCOP Committee due to the upcoming retirement of Mr. Turner.

John Hall

Mr. Hall stated that the SCOP subcommittee did not agree with the majority of the proposal/draft that DCJS had remitted to the Board as presented.

New Business

Criminal Justice Services Board (CJSB) Report - Charles Ciccotti

Mr. Ciccotti provided an overview of the last CJSB meeting which in addition to the general board business being conducted, Kristen Howard, Executive Director of the Virginia State Crime Commission, delivered an enlightening and informative presentation on tobacco smuggling.

Mr. Ciccotti stressed the importance of the PSSAB members/industry members attending the Criminal Justice Services Board meetings and announced that the next meeting would be held on December 12, 2013.

John Hall

Mr. Hall asked how the CJSB Executive Committee voted on the SCOP document presented by DCJS, and if Mr. Ciccotti could provide any further details on the SCOP vote. Mr. Ciccotti replied that they were asked to vote by e-mail and that the vote was unanimous.

Robert Clark, PSSAB Secretary

Mr. Clark advised that he will draft a letter regarding the Board's discussion related to the ID card and submit to the Board members for review and to be voted on at the March 2014 PSSAB meeting. Mr. Clark asked the Board members to send him their ideas for the ID cards.

2014 Meeting Schedule

There was an extensive discussion amongst the Board regarding the number of meetings to be scheduled in 2014 and conducting the Board meetings in the central Richmond area. Some of the concerns discussed included:

- The cost to the Department to send staff throughout the Commonwealth of Virginia.
- It has not proven to cause a significant increase in attendance and whether the same industry members who attend the Board meetings will attend in different regions as well.
- Consistency in having the meetings in Richmond, Virginia.

Vice Chairman Daniel Schmitt called for a motion to have four PSSAB meetings in 2014. Whereas a motion to have four PSSAB meetings in 2014 was made by Kevin Hodges and seconded by Seth Oginz, it was unanimously approved.

Vice Chairman Daniel Schmitt called for a motion to hold three out of four (4) PSSAB meetings in Richmond, Virginia. Whereas a motion to hold three out of four PSSAB meetings in Richmond, Virginia was made by Charles Ciccotti and seconded by Mary Kay Wakefield, it was unanimously approved by vote.

The 2014 PSSAB meetings are scheduled for:

Tuesday, March 11, 2014 at 10:00a.m. in Richmond, Virginia

Tuesday, May 6, 2014 at 10:00a.m. (meeting venue is opened)

Tuesday, September 9, 2014 at 10:00a.m. (to be held in conjunction with the DCJS/Crime Clinic Conference)

Tuesday, December 2, 2014 at 10:00 a.m. in Richmond, Virginia

Old Business

There was no old business for discussion.

Public Comment

James St. John

Mr. St. John requested that the Board allow for public comment as specific issues were addressed during the meeting versus having to wait until the end of the agenda. Vice Chair Schmitt advised that he would look into it and forward the request to the Chairman.

Mr. St. John requested that the Board review the legislative proposal that he submitted to the SCOP committee and provided comment that he did not fully support the proposal provided by the Department in its entirety, but did include some of the language from the Department's proposal that he agreed with. Mr. St. John felt that the Department's proposal was geared towards law enforcement and not private security services.

Stanley R. Corn

Mr. Corn provided additional input in regard to the discussion relating to the photo registration cards and felt that the licensed business could verify the photo on the registration card of their employees was valid. In addition, Mr. Corn commented that he hoped that the Board would continue to work positively with the Department and the Criminal Justice Services Board and not cause unnecessary adversarial issues.

Announcements

John Hall accepted the Chairmanship of SCOP Committee.

The next meeting is scheduled for Tuesday, March 11, 2014 at 10:00a.m. in Richmond, Virginia, the venue is to be determined and will be posted by the Department prior to the meeting.

Adjournment

A motion was called for by Vice Chairman Schmitt to adjourn. Whereas a motion to adjourn was made by John Hall and seconded by Stokes McCune, it was unanimously approved by vote. The December 3, 2013 meeting of the PSSAB was adjourned.

Meeting Attendees:

Public

David Beverly

Stanley R. Corn

Rick Cox-Gutierrez

Paula Kenner
John Palomares
Frederic Pleasants, Jr.
Linda Schmitt
James St. John